

FILED
HARRISBURG, PA

FEB 28 2003

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH I. SCHORR and SUSAN	:	JURY TRIAL DEMANDED
SCHORR, in their own right and	:	
as personal representatives of the	:	
Estate of RYAN K. SCHORR,	:	
Plaintiffs,	:	
	:	
v.	:	NO.: 1:CV-01-0930
	:	
WEST SHORE REGIONAL POLICE	:	
DEPARTMENT, HOWARD	:	
DOUGHERTY, CUMBERLAND	:	
COUNTY, and HOLY SPIRIT	:	
HOSPITAL,	:	
Defendants.	:	HONORABLE YVETTE KANE

**DEFENDANT HOLY SPIRIT HOSPITAL'S STATEMENT OF MATERIAL
FACTS PURSUANT TO LOCAL RULE 56.1 IN SUPPORT OF ITS
MOTION FOR SUMMARY JUDGMENT**

In support of its Motion for Summary Judgment, Holy Spirit Hospital submits the following Statement of Facts as to which said Defendant contends that there is no genuine issue to be tried:

1. Plaintiffs are the parents of Ryan K. Schorr, deceased ["Decedent"].
2. Decedent suffered from a psychiatric illness known as bipolar (manic) disorder.
3. Shortly before November 18, 2000, the Decedent's mental state deteriorated.
4. With the Plaintiffs' approval, the Decedent's housemate, Matthew Gaumer, requested that an order be issued for the Decedent's involuntary commitment pursuant to §302 of the Pennsylvania Mental Health Procedures Act, 50 P.S. §7302.
5. Holy Spirit Hospital is a private, non-profit facility that provides certain mental health treatment and "crisis intervention" services.
6. Mercedes Briscese, a crisis intervention worker at Holy Spirit Hospital, took and evaluated the §302 application, determined that the Decedent presented a clear and present danger to himself or others, and caused an order to be issued for the Decedent's involuntary commitment.
7. After obtaining the order and corresponding warrant, Officers Gary Berresford and Harry Hart of the West Shore Police Department proceeded to the Decedent's house, detained him, and then transported him to Holy Spirit Hospital.

8. At Holy Spirit Hospital, the officers were instructed to take the Decedent to Room 17 in the Emergency Department ("ED").

9. Room 17 in the ED of Holy Spirit Hospital is a specially adapted room used for patients that present a potential security risk.

10. Room 17 is equipped with minimal furniture that is bolted to the floor and with a door that locks from outside whenever the door is closed.

11. The door to Room 17 also has an observation window that allows healthcare providers and crisis workers to observe the patient within.

12. The usual §302 commitment procedure at Holy Spirit Hospital involved using Room 17.

13. When the Decedent was placed in Room 17, he became increasingly agitated and the ED charge nurse, Carol Joerger, R.N. called security for assistance.

14. Shortly after Nurse Joerger requested security, Security Officer Cory Graby arrived in the ED.

15. Nurse Joerger then attempted to conduct an initial medical assessment of the Decedent, but he became more agitated and she abandoned the attempt.

16. Emergency Department Dr. David Spurrier then assessed the Decedent, left Room 17 and completed the §302 paperwork for involuntary committal because, in his opinion, the Decedent was psychotic and hallucinating.

17. Dr. Spurrier and crisis worker Candice Highfield then discussed the Decedent's status, and Dr. Spurrier told Highfield that he would administer medication to the Decedent anytime that Highfield felt it necessary.

18. Highfield replied that first she wanted to read the Decedent his §302 rights.

19. Highfield then went to the door of Room 17, looked through the observation window, and saw the Decedent sitting on the bed.

20. Highfield then attempted to enter Room 17, but as she attempted to do so, the Decedent forced his way past her and ran out of the hospital.

21. Eventually, the Decedent returned to his house.

22. After being notified of the Decedent's whereabouts, the West Shore Regional Police Department ("WSRPD") officers returned to the Decedent's house and again attempted to detain him.

23. The subsequent encounter escalated into a physical struggle between the Decedent and the WSRPD officers, during which the Decedent was fatally wounded by one of the officers.

24. Holy Spirit Hospital employed qualified persons at all relevant times, including the following:

- Carol Joerger, R.N. had worked eleven years as a nurse in the emergency room.
- Security Guard Cory Graby had been a security officer at Holy Spirit Hospital for five and one-half years and had three years of college education.
- Candice Highfield was a part-time crisis worker and a clinical social worker who was aware of the mental health procedures and law.
- Steve Bucciferro had served nine years as administrative director of mental health services at Holy Spirit Hospital and had 22 years experience in health care.
- Mercedes Briscese was a part-time crisis worker who had earned her masters degree in counseling in 1982 and had experience in working with the Capable Adolescent Mothers Program and the Superior Court in New Jersey. She had also received training in crisis work when she began to work for Holy Spirit Hospital.

25. The professional staff members who provide crisis intervention services at Holy Spirit Hospital must have a minimum of a bachelors degree.

26. Registered nurses who provide crisis intervention services at Holy Spirit Hospital have been trained in psychiatric nursing.

27. If a newly hired crisis intervention worker does not have a great deal of training in crisis intervention services, then the new employee is given additional training at Holy Spirit Hospital by his supervisor and the other crisis workers.

28. Crisis intervention workers at Holy Spirit Hospital are usually general behavioral health specialists of a bachelors degree level or higher.

29. At Holy Spirit Hospital, all psychiatrists and staff that have responsibility to be on call and to respond to the emergency room may be involved in conducting a §302 assessment.

30. Security Officer Cory Graby received training in Act 235 (weapons certification in Pennsylvania) and in red alert training, which involves assisting and subduing a combative patient.

31. Security officer Cory Graby also had basic and advanced certification by the International Association of Healthcare Safety and Security ("IAHSS").

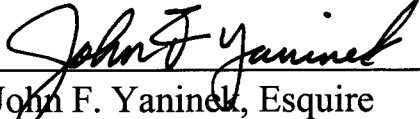
32. Holy Spirit Hospital security personnel undertake training that includes an initial hospital orientation; red alert training on how to deal with

aggressive individuals; the basic and the advanced security officer course offered by the Society of Healthcare Safety and Security; and violence in the workplace training.

Respectfully submitted,

METTE, EVANS & WOODSIDE

By:



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DATED: February 28, 2003

CERTIFICATE OF SERVICE

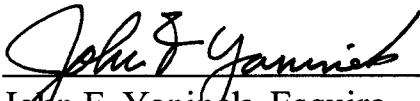
I, JOHN F. YANINEK, ESQUIRE, hereby certify that I am serving a copy of the foregoing document upon the person(s) and in the manner indicated below, which service satisfies the requirements of the Federal Rules of Civil Procedure, by depositing a copy of same in the United States Mail at Harrisburg, Pennsylvania, with first-class postage, prepaid, as follows:

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